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24 NEW CREATIVE MIX INC., NEW GAMES
25 PRODUCTIONS INC., NICKELODEON AND MTV
26 NETWORKS, A DIVISION OF VIACOM
27 INTERNATIONAL INC.

28
19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 DELANIA LINDAHL, on behalf of
22 herself, all others similarly situated and the
23 general public,

24 Plaintiff,

25 v.

26 MTV NETWORKS, INC.,
27 NICKELODEON, NEW GAMES
PRODUCTION, INC. NEW CREATIVE
MIX, INC. and DOES 1 through 10,

Defendants.

Case No. CV-10-04448-SBA

**JOINT STIPULATION OF DISMISSAL
AND COURT ORDER**
[F.R. Civ. Pro. 41(a)(1)(A)(ii)]

[CLASS ACTION]

Judge: Hon. Saundra Brown Armstrong

COMPLAINT FILED: October 1, 2010

FIRST AMENDED

COMPLAINT FILED: December 20, 2010

TRIAL DATE: No date set.

1 IT IS HEREBY STIPULATED by and between the parties to this action, and by and through
 2 their designated counsel, that the above-entitled action be and hereby is dismissed with prejudice as
 3 to the individual claims of Plaintiff (including waiving her ability to act as a representative of any
 4 purported class) and without prejudice as to the putative class members, pursuant to Federal Rule of
 5 Civil Procedure 41(a)(1)(A)(ii), each side to bear its/her own costs and attorneys' fees.

6 Preserving the Parties' view that Court approval of this Stipulation is not required under Rule
 7 41(a)(1)(A)(ii) or Federal Rule Civil Procedure 23 (e), the Parties make the following
 8 representations to the Court as a basis for their request that the Court confirm the dismissal of this
 9 Lawsuit on the above-delineated terms.

10 1. The Parties have engaged in the exchange of initial disclosures, the production of
 11 documents, the provision of written discovery responses, and Plaintiff's deposition has been taken.
 12 Defendants also represent that all persons employed by New Games Production and New Creative
 13 Mix in California as talent coordinators (the position held by Plaintiff Lindahl) are classified as non-
 14 exempt employees under California law. As a result of discovery taken to date, and Defendants'
 15 representation, Plaintiff has agreed not to seek class certification pursuant to Federal Rule of Civil
 16 Procedure 23 (a) and (b).

17 2. There has been no publicity regarding filing of this case, and Plaintiff's counsel have
 18 not spoken to or received inquiries from any persons falling within the class definition alleged in the
 19 Complaint.

20 3. The case has not been certified as a class action, and hence, putative class members
 21 have not received notice of the action.

22 **I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS ACCEPTABLE TO**
 23 **ALL PERSONS REQUIRED TO SIGN THIS DOCUMENT.**

24 Dated: July 25, 2011

25 */s/ Maureen E. McClain* _____
 26 MAUREEN E. MCCLAIN
 27 LITTLER MENDELSON, P.C.
 28 Attorneys for Defendants NEW CREATIVE MIX
 INC., NEW GAMES PRODUCTIONS INC.,
 NICKELODEON, AND MTV NETWORKS, A
 DIVISION OF VIACOM INTERNATIONAL INC.

1 Dated: July 25, 2011
2

3 */s/ Benjamin Schonbrun* _____
4 BENJAMIN SCHONBRUN
5 SCHONBRUN DESIMONE SEPLOW
HARRIS HOFFMAN & HARRISON, LLP
Attorneys for PLAINTIFF
DELANIA LINDAHL
6
7

8 **ORDER**
9

10 Based on the above stipulation and in accordance with its terms, the Court hereby orders the
case dismissed with prejudice as to Plaintiff Delania Lindahl with each side to bear her/its own fees
11 and costs. The dismissal shall be without prejudice as to the putative class. The Clerk is directed to
12 close this case.

13 Dated: 7/27/11
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Judie B. Ormsby
UNITED STATES DISTRICT COURT JUDGE

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